

REMARKS

Claims 13, 14 and 18-22 remain for consideration in this application; claims 1-12 and 15-17 having been canceled herein. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct the fees from the Monsanto Company Deposit Account No. 13-4125. An IDS has been filed herewith providing GB 2183660 which is an English language equivalent to EP 223247 (note that both claim priority to US 801014. Applicants acknowledge with appreciation the Examiner's response to Applicants previous amendment resulting in the withdrawal of certain 112 rejections and the prior art rejections. Applicants respectfully request reconsideration of the claims as amended and in view of the following remarks.

35 U.S.C. § 112, first and second paragraph rejection

It is believed that the currently amended claims obviate the indefiniteness rejections cited by the Examiner against claims 13, 14 and 15. Support for the amendments can be found in the specification, particularly at pages 18, lines 17-27, and in Example 2 and the claims as originally filed. Withdrawal of this rejection is respectfully solicited.

Regarding the rejections based on 35 U.S.C. § 112, first paragraph, applicants respectfully traverse and request reconsideration in view of the amended claims and the following remarks. The Examiner has acknowledged that the specification is "enabling for a method of transforming plastids with a construct comprising a plastid promoter, a nucleic acid comprising the EPSPS coding sequence, and a transcriptional termination region, wherein the transformed plant cell is first selected on low concentration of glyphosate, then after a period of time is selected on a higher concentration" on page 4 of the Office Action dated 8/11/03, Paper No. 15, but not enabling for the full scope of the invention claimed in the last response. Although Applicants believe that the prior claimed invention is sufficiently described so as to enable one skilled in the art to make and/or use the claimed invention, Applicants have provided an amended set of claims believed to be allowable in view of the Examiners comments in Paper No. 15 and reserve their right to pursue the original claims in a future continuation application.

Conclusion

Applicants respectfully request reconsideration on the merits of the application as a whole. The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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